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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,213	01/24/2005	Osamu Fujii	Q82529	3808
65565 7590 02/26/2008 SUGHRUE-265550 2100 PENNSYLVANIA AVE. NW WASHINGTON, DC 20037-3213				
EXAMINER				
CHARLES, MARCUS				
ART UNIT		PAPER NUMBER		
3682				
MAIL DATE		DELIVERY MODE		
02/26/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/501,213

Applicant(s)

FUJII ET AL.

Examiner

Marcus Charles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-13 and 17-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-13 and 17-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to the amendment filed 11-26-2007, which has been entered.
Claims 9-13 and 17-25 are currently pending.

Drawings

1. Figures 36-38 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 9 & 22 are rejected under 35 U.S.C. 102(b) as being anticipated by DE (4334195) to Gleich. DE (4334195) discloses the claimed invention, including the roller element (1) in a groove of an assembled bearing inner and outer ring (2/3). DE (4334195) also discloses each roller element has a central axis that is orthogonal to

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the truncated opposed side faces thereof, DE (4334195) further discloses the roller elements (1) are insertable in a state that the inner and outer rings (2/3) are assembled, and are rotatable using the groove provided in the of the raceway groove such that each rolling element contacts the raceway surface of the bearing ring (see fig. 1).

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 9, 22 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant Admitted Prior Art (AAPA). AAPA clearly disclosed the claimed invention, for example the rolling element (60) in the groove of the inner and outer raceways (40/30), and it is apparent that due to the size of the entrance space between the raceways (40/30) it is apparent that the rolling element during assembled is inserted through the opening and into the grooves of the raceway to rotatable in the grooves of the raceways.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10-12, 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE (4334195) in view of DE (10027105). DE (4334195) discloses the claimed invention, except for a retainer having inclined axial pocket faces that are inclined alternately towards opposite sides in the axial direction. DE (10027105) discloses a bearing having a retainer (6) with axial pocket faces (7) that are inclined

alternately toward mutually opposite sides in the axial direction. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device if DE (4334195) so as to include a retainer in view of (DE10027105) in order to prevent the rolling bearing from slipping of and to increase the life span of the bearing.

7. Claims 13, 21& 24-25, are rejected under 35 U.S.C. 103(a) as being unpatentable over DE (4334195) in view of WO (90/13167). DE (4334195) discloses the claimed invention above in paragraph 2, except for the motor as claimed. WO (90/13167) discloses a drive motor to comprising a rotor (46), a stator (16) disposed in the motor and a pair of bearing rings (28, 30). Therefore, it would be obvious to one of ordinary skill in the art time of the invention to use the bearing of DE (4334195) on the motor of WO (90/13167) in order to reduce friction and increase the efficient of the motor.

8. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE (4334195) in view of WO (90/13167) as applied to claim 13 and further in view of DE (10027105). DE (4334195) discloses the claimed invention except for a retainer having inclined axial pocket faces that are inclined alternately towards opposite sides in the axial direction. DE (10027105) discloses a bearing having a retainer (6) with axial pocket faces (7) that are inclined alternately toward mutually opposite sides in the axial direction. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the device if DE (4334195) so as to include a retainer in view of (DE10027105) in order to prevent the rolling bearing from slipping of and to increase the life span of the bearing.

Citation

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the prior art cited in attached PTO Form 892.

Response to Arguments

10. Applicant's arguments with respect to claims 9-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Marcus Charles/

Marcus Charles

Primary Examiner, Art Unit 3682